

House Engrossed

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
First Regular Session  
2003

CHAPTER 149

## HOUSE BILL 2483

AN ACT

AMENDING SECTION 32-1403.01, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3208; RELATING TO HEALTH PROFESSIONALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1403.01, Arizona Revised Statutes, is amended  
3 to read:

4 32-1403.01. Licensees; profiles; required information; review;  
5 malpractice information; civil penalty

6 A. ~~Beginning on January 1, 2001,~~ The board shall make available to the  
7 public a profile of each licensee. The board shall make this information  
8 available through an internet web site and, if requested, in writing. The  
9 profile shall contain the following information:

10 1. A description of any criminal conviction within the last five  
11 years. For THE purposes of this paragraph, a licensee is deemed to be  
12 convicted of a crime if the licensee pled guilty or was found guilty by a  
13 court of competent jurisdiction.

14 2. A description of any charges within the last five years to which  
15 the licensee pled no contest.

16 3. The number of pending complaints and final board disciplinary and  
17 nondisciplinary actions, ~~including dismissals,~~ within the last five years.  
18 Information concerning pending complaints shall contain the following  
19 statement:

20 Pending complaints represent unproven allegations. On  
21 investigation, many complaints are found to be without merit and  
22 are dismissed.

23 4. All medical malpractice court judgments and all medical malpractice  
24 awards or settlements in which a payment is made to a complaining party  
25 within the last five years. Information concerning malpractice actions shall  
26 also contain the following statement:

27 The settlement of a medical malpractice action may occur for a  
28 variety of reasons that do not necessarily reflect negatively on  
29 the professional competence or conduct of the doctor. A payment  
30 in settlement of a medical malpractice action does not create a  
31 presumption that medical malpractice occurred.

32 5. The name and location of the licensee's medical school and the date  
33 of graduation.

34 6. The name and location of the institution from which the licensee  
35 received graduate medical education and the date that education was  
36 completed.

37 7. The licensee's primary practice location.

38 B. Each licensee shall submit the information required pursuant to  
39 subsection A each year as directed by the board. An applicant for licensure  
40 shall submit this information at the time of application. The applicant and  
41 licensee shall submit the information on a form prescribed by the board. A  
42 licensee shall submit immediately any changes in information required  
43 pursuant to subsection A, paragraphs 1, 2 and 4. The board shall update  
44 immediately its internet web site to reflect changes in information relating

1 to subsection A, paragraphs 1 through 4. The board shall update the internet  
2 web site information at least annually.

3 C. The board shall provide each licensee with a copy of the licensee's  
4 profile and give the licensee reasonable time to correct the profile before  
5 it is available to the public.

6 D. It is an act of unprofessional conduct for a licensee to provide  
7 erroneous information pursuant to this section. In addition to other  
8 disciplinary action, the board may impose a civil penalty of not more than  
9 one thousand dollars for each erroneous statement.

10 Sec. 2. Title 32, chapter 32, article 1, Arizona Revised Statutes, is  
11 amended by adding section 32-3208, to read:

12 32-3208. Release of information; fees

13 A. ON REQUEST OF ANY PERSON, A HEALTH PROFESSION REGULATORY BOARD MUST  
14 PROVIDE THE FOLLOWING INFORMATION TO THAT PERSON:

15 1. A COPY OF THE MINUTES OF ANY SPECIFIED BOARD MEETING.

16 2. A COPY OF A BOARD ACTION CONCERNING A PERSON REGULATED BY THE  
17 BOARD.

18 3. A COPY OF THE FINAL ADJUDICATION OF A COMPLAINT AGAINST A PERSON  
19 REGULATED BY THE BOARD. FOR THE PURPOSES OF THIS PARAGRAPH, FINAL  
20 ADJUDICATION OF A COMPLAINT DOES NOT INCLUDE ANY COMPLAINT THAT WAS DISMISSED  
21 OR TERMINATED MORE THAN FIVE YEARS BEFORE THE REQUEST WAS SUBMITTED.

22 4. THE NAME AND PRIMARY PRACTICE ADDRESS OF A PERSON REGULATED BY THE  
23 BOARD.

24 B. A HEALTH REGULATORY BOARD MAY CHARGE A FEE FOR COPIES OF ANY OF THE  
25 INFORMATION IN SUBSECTION A.

APPROVED BY THE GOVERNOR MAY 5, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 5, 2003.

Passed the House March 4, 2003,

Passed the Senate April 28, 2003,

by the following vote: 56 Ayes,

by the following vote: 30 Ayes,

2 Nays, 2 Not Voting

0 Nays, 0 Not Voting

Jake Flake  
Speaker of the House

Klu Bennett  
President of the Senate

Norman L. Fyore  
Chief Clerk of the House

Norma Chastain  
Asst. Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

29 day of April, 2003

at 11:00 o'clock A M.

Janet Ramirez  
Secretary to the Governor

Approved this 5 day of

May, 2003,

at 10<sup>00</sup> o'clock A M.

Jon R. Rye  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 5 day of May, 2003,

at 3:59 o'clock P M.

Janice K. Bevan  
Secretary of State

H.B. 2483